

E Libr. R. Bacon
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CHARGE

Given by the most Eminent and Learned
Sir FRANCIS BACON Knight,
Late Lord Chancellor of *England*:
At a Sessions bolden for the **VERGE**,
(*Viz.* Twelve Miles round the King's Mansion House)
in the Reign of the Late King *JAMES*.

DECLARING
The Latitude of the Jurisdiction thereof,
and the Offences therein inquireable, as well by the
Common Law, as by several **Statutes** herein
particularly mentioned.



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THE LANCET OF THE JOURNAL OF THE
LONDON MEDICAL SOCIETY

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SIR FRANCIS BACON'S
CHARGE

At the SESSIONS of
 the VERGE.



O U are to know and consider well, the Duty and Service to which you are called, and where-upon you are by your Oath charged. It is the happy estate and condition of the Subject of this Realm of *England*, that he is not to be impeached in his Life, Lands, or Goods, by flying rumours and wandring fames and reports, or secret and private Inquisitions; But by the Oath and Presentment of men of honest condition, in the face of Justice: But this happy estate of the Subject, will turn to hurt and inconvenience, if

B

those

those that hold that part which you are now to perform, shall be negligent and remiss in doing their duty; for as of two evils it were better mens doings were looked into over strictly and severely, then that there should be a notorious impunity of Malefactors; as was well and wisely said of ancient time, *A man were better live where nothing is lawful, then where all things are lawful*: This therefore rests in your care and conscience, forasmuch as at you Justice begins, and the Law cannot pursue and chase offenders to their deserved Fall, except you first put them up and discover them, whereby they may be brought to answer; for your Verdict is concluding to condemn. But it is necessary to charge, and without it the Court cannot proceed to condemn.

Considering therefore that you are the Eye of Justice, ye ought to be single without partial affection; watchful, not asleep, nor false asleep, winking at Offenders, and sharp sighted to proceed with understanding and discretion; for in a word, if you shall not present unto the Court all such offences, as shall appear unto you either by evidence given in, or otherwise (mark what I say) of your own knowledge, which have been committed within the Verge, which is as it were the Limits of your Survey, but shall smother and conceal any offence willingly, then the guiltiness of others will cleave to your Consciences, before God; and besides, you are answerable in some degree to the King and his Law, for such your default and Suppression; and therefore take
good

good regard unto it, you are to serve the King and his people, you are to keep and observe your Oath, you are to acquit your selves: But there is yet more cause why you should take more especial regard to your Presentments, then any other grand Juries, within the Counties of this Kingdome at large, for as it is a neerer degree and approach unto the King, which is the fountain of Justice and Government, to be the Kings Servant, then to be the Kings Subject: So this Commission ordained for the Kings Servants and Household, ought in the execution of Justice to be exemplary unto other places; *David saith (who was a King) The wicked man shall not abide in my house*; as taking knowledge that it was impossible for Kings to Banish Wickednesse, by the extending of all their power and care, over all their Land or Empire; yet at least they ought to undertake to God for their House.

We see further that the Law doth so esteem the Dignity of the Kings settled Mansion-house, as it hath laid unto it a Plot of twelve miles round, which we call the Verge, to be Subject to a special exempted Jurisdiction, depending upon his Person and great Officers; this is as a half pace, or Carpet spread about the Kings Chair of Estate, which therefore ought to be cleared and void more then other places of the Kingdome; for if offences shall be shrouded under the Kings Wings, what hope is there of Discipline and Justice in more remote parts? We see the Sun, when it is at the Brightest, there may be perhaps

*The Verge 12.
miles round.*

a Bank of Clouds in the North or West, or remote regions, but near his Body few or none; for where the King cometh there should come Peace, and Order, and an awe and reverence in mens hearts.

*Articuli
super Chay-
140 c. 3. 13.
R 2 c. 3.
33. H. 8. c.
12.*

And this jurisdiction was in ancient time executed, and since by Statute ratified by the Lord Steward, with great Ceremony in the nature of a peculiar Kings Bench, for the *Verge*, for it was thought a kind of Ecclipping to the Kings Honour, that where the King was, any Justice should be sought but immediately from his own Officers: But in respect that office was oft void, this Commission hath succeeded, which change I do not dislike, for though it hath less State, yet it hath more strength Legally; Therefore I say, you that are a Jury of the *Verge*, should leave and give a Pattern unto others in the care and conscience of your Presentments.

Concerning the particular points and Articles whereof you shal inquire, I will help your memory and mine own with order; neither will I lead you, or trouble my self, with every Branch of several offences, but stand upon those that are principal and most in use: The offences whereof, that you are to present are of four Natures.

1. The first, Such as concern God and his Church.
2. The second, Such as concern the King and His State.

The

The Third, such as concern the Kings people, 3.
and are capital.

The fourth, such as concern the Kings People, 4.
not Capital.

The Service of Almighty God, upon whose Blessing the Peace, Safety, and good estate of King and Kingdome doth depend, may be violated, and God dishonoured in three manners; by Profanation, by contempt, and by division, or breach of Unity.

First, if any man hath depraved or abused in word or Deed the Blessed Sacrament, or disturbed the Preacher or Congregation in the time of Divine Service, or if any have maliciously stricken with weapon, or drawn weapon in any Church or Church-yard, or if any Fair or Market have been kept in any Church yard, these are Prophane-
Profana-
tions.
1. E. 6. c. 1,
& 1. Eliz.
c. 2. 1 M.
c. 3 5. E. 6.
c. 4. 13. E.
1. Stat. of
Winton.

nations within the purview of several Statutes, and those you are to present; for Holy things, Actions, Times, and Sacred places, are to be preferred in reverence and Divine respect.

For contempts of our Church and Service, they are comprehended in that known name, which too many (if it pleased God) bear Recusancy, which offence hath many Branches and Dependencies, the Wife Recusant, she tempts; the Church-Papist, he feeds and relevies; the corrupt Schoolmaster he soweth tares, the Dissembler, he conformeth and doth not communicate.

Therefore if any person, Man, or Woman, Wife, or Sole, above the age of Sixteen years,
Profana-
tions,
not

not having some lawful excuse, have not repaired to Church according to the several Statutes, the one for the Weekly, the other for the Monthly repair, you are to present both the offence, and the time how long; Again, such as maintain, relieve, keep in Service of Livery, Recusants, though themselves be none, you are likewise to present; for these are like the Roots of Nettles, which sting not themselves, but bear and maintain the stinging Leaves: So if any that keepeth a Schoolmaster that comes not to Church, or is not allowed by the Bishop, for that Infection may spread; for so such Recusants as have been convicted and conform'd, and have not received the Sacrament once a year, for that is the Touch-stone of their true Conversion, and of these offencees of Recusants, take you especial regard. Twelve Miles from Court is no region for such Subjects. In the Name of God, why should not Twelve miles about the Kings Chair be as free from Papist Recusants, as twelve Miles from the City of Rome, the Popes Chair is from Protestants. There are Hypocrites and Atheists, and so I fear there be amongst us: But no open contempt of their Religion is endured. If there must be Recusants, it were better they lurked in the Country, then here in the Bosome of the Kingdome.

Breach of
Uniry.

For matter of Division and Breach of unity, it is not without a mystery, that Christs Coat had no Seam, nor no more should the Church, if it were possible. Therefore if any Minister refuse

use the Book of Common Prayer, or wilfully swearveth in Divine Service, from that Book, or if any person whatsoever do scandalize that Book, or if any person whatsoever, do and speak openly and maliciously in derogation of it, such men do but make a rent in the Garment, and such are by you to be enquired of. But much more, such as are not only differing, but in a sort opposite unto it, by using a superstitious and corrupt form of Divine Service, I mean such as say or hear Masse.

These Offences which I have recited to you, are against the Service and Worship of God, there remain two which likewise pertain to the Dishonour of God; the one, is the abuse of his Name, by Perjury; the other is, the adhearing to Gods declared Enemies, evil and out-cast spirits by Conjurat[i]on and Witchcraft.

For Perjury, it is hard to say whether it be more odious to God, or pernicious to man; for an Oath, saith the Apostle, is the end of Controversies; if therefore that Boundary of Suits be taken away or mis-set, where shall be the end? Therefore you are to enquire of wilful and corrupt perjury in any of the Kings Courts, yea, of the Court Barons and the like, and that as well of the Actors, as of the Procurers and Subborners.

For Witchcraft, by the former Law it was not Death, except it were actual and grosse of invocation of evil Spirits, or making Covenant with them, or taking away Life by Witchcraft: But

Conjuration and Witchcraft.

now

1. *Jacob. c. 12.*

now by an Act *in his Majesty's times*, Charms and Sorceries in certain cases of procuring of unlawful love or Bodily hurt, and others, are made Felony, the second offence ; the first being Imprisonment and Pillory.

Supremacy
placed with
offences of
State.

And here I do conclude my first part concerning Religion and Ecclesiastical Causes ; wherein it may be thought , that I do forget matters of Supremacy, or of Jesuits , and Seminaries , and the like , which are usually sorted with Causes of Religion : But I must have leave to direct my self according to mine own perswasion , which is, that whatsoever hath been said or written on the other side ; All the late Statutes which inflict capital punishment upon Extollers of the Popes Supremacy ; Deniers of the Kings Supremacy, Jesuits and Seminaries, and other Offenders of that nature , have for their principal scope , not the punishment of the Error of Conscience , but the repressing of the peril of the estate. This is the true Spirit of the Laws , and therefore I will place them under my second Division, which is of Offences which concern the King and his estate , to which now I come.

The King and
the State.

The Kings
person.

These Offences therefore respect either the Safety of the Kings Person, or the Safety of his Estate and Kingdome , which though they cannot be dissevered in deed , yet they may be distinguished in speech. First then , if any have conspired against the life of the King , which God have in his custody, or of the Queens Majesty , or of the most noble Prince their eldest Son ;

Son ; the very compassing and very imagination thereof is High Treason , if it can be proved by any fact that is overt ; for in the case of so suddain , dark, and pernicious , and peremptory attempts , it were too late for the Law to take a Blowe before it gives , and this High Treason of all other is most heynous of which you shall enquire , though I hope there be no cause. .

There is another capital offence that hath an affinity with this , whereof you here within the *Verge* are most properly to enquire ; the Kings Privy Council are as the principal Watch over the Safety of the King, so as their Safety is a portion of his ; if therefore any of the Kings Servants within his Chequer Roll (for to them only the Law extends) have conspired the death of any the Kings Privy Council ; this is Felony, and thereof you shall enquire.

And since we are now in that Branch of the Kings Person. I will speak also of the Kings Person by representation and the Treasons which touch the same.

The Kings Person and Authority is represented in three things , in his Seals , in his Moneys , and in his principal Magistrates ; if therefore any have counterfeited , clipp'd , or scaled his moneys , or other moneys currant , this is high Treason ; so to kill certain great Officers or Judges , executing their Office.

The State.

We will passe now to those Treasons, which concern the safety of the Kings State, which are of three kinds answering to three perils which may happen to an estate; these perils are Foreign Invasions, open Rebellion, and Sedition, and privy practise, to alienate and estrange the hearts of the Subject, and to prepare them, either to adhear to enemies, or to burst out into tumults, and commotions of themselves.

Invasion
and Rebel-
lion.

Therefore if any person have solicited or procured any invasion from Forreigners, or if any have combined to raise and stir the People to Rebellion within the Realm, these are high Treasons, tending to the overthrow of the State of this Common-wealth, and to be enquired of.

Aliena-
tion of
hearts.

The third part of practice hath divers branches, but one principal root in these our times, which is the vast and over-spreading ambition and usurpation of the *See of Rome*; for the Pope of *Rome* is, according to his last challenge and pretences, become a Competitor and Corival with the King, for the hearts and alienations of the people, and to make them as Fuel ready to take fire upon any of his Commands. This is that yoke which this Kingdome hath happily cast off, even at such time when the Popish Religion was neverthelesse continued, and that divers States which are the Popes Vassalls do begin to shake of.

If therefore any person have maintained and extolled the usurped authority of the Bishop of *Rome*, within the Kings Dominions, by writing, preaching, or deed, advisedly, or directly, and maliciously. Or if any person have withdrawn and reconciled any of the Kings Subjects from their obedience, or any withdrawn and reconciled themselves; or if any Subject hath refused the second time, to take the Oath of Supremacy lawfully rendered; or if any Jesuit or Seminary come and abide within this Realm; these are by several Statutes made in cases of Treason, the Law accounting these things as preparatives, and the secret motions of seditions and revolts, these you are to enquire both of the actors, &c. receivers, maintainers, and concealers, &c. Traitors, as well as the principal in some cases; some other, in misprissions of Treason, and in some other, Felony; as namely; that of the relieving of Jesuits and Priests; the bringing in and dispersing of *Agnus Dei*; crosses, pictures, or such trash, is likewise præmunire, and so is the Denial to take the Oath of Supremacy the first time.

Suprema-
cy, Treason, &c.

1 El. c. 1.
Jesuits.

7 Jac. c. 4.
& 5.

28 El. c. 2.

13 El. c. 2.
23 El. c. 1.

Agnus Dei.

And because in the Disposition of a State to troubles and perturbations, Military men are most tickle and dangerous; therefore if any of the Kings Subjects go over to serve in Forreign parts, and do not first endure the Touch, that is, take the Oath, or if he have borne office in any Army, and do not enter into bond with Sure-

Militar.

ties as is prescribed, this is made Felony, and of such you shall enquire.

Prophecies

Lastly, because the vulgar people are sometimes led with vain and fond Prophecies, if any such shall be published, to the end to move stirrs or tumults, this is not Felony, but punished by a years Imprisonment, and losse of goods; and of this also shall you enquire.

You shall likewise understand that the escape of any prisoner committed for treason, is treason; whereof you are likewise to enquire.

The people capital.

Now come I to the third part of my Division, that is, those offences which concern the Kings people, and are capital, which neverthelesse, the Law tearms offences against the Crown, in respect of the Protection that the King hath of His People, and the interest he hath in them and their welfare; for touch them touch the King; these offences are of three natures: The first concerneth the preservation of their lives; the second of honour and honesty of their persons and Families; and the third of their substance.

Life.

First for life; I must say unto you in general, that Life is grown so cheap in these times, it is set at the price of words, and every petty scorn and disgrace, can have no other reparation, nay so many mens lives are taken away with impunity, that the very life of the Law is almost taken

ken away with the execution ; and therefore though we cannot restore the life of those men that are slain , yet I pray let us restore the Law to her life , by proceeding with due severity against the Offenders ; and most specially this plot of ground , which is the Kings Carpet , ought not to be stained with blood , crying in the Ears of God and the King ; it is true neverthelesse , that the Law does make divers just differences of Life taken away ; but yet no such differences as the wanton humors and braveries of men , have under a reverend name of honour and reputation invented.

The highest degree is where such a one is killed, unto whom the Offender did bear Faith and Obedience ; as the Servant to the Master , the Wife to the Husband , the Clerk to the Prelate ; and I shall ever add , for so I conceive of the Law , the child to to the Father or Mother , and this the Law tearmeth petty Treason.

The second is, where a man is slain upon forethought Malice , which the Law tearms Murder, and it is an offence horrible and odious, and cannot be blanced , nor made fair but foul.

The third is, where a man is killed upon a sudden heat or affray , whereunto the Law gives some little favour , because a man in fury is not himself , *Ira furor brevis* , wrath is a short madness ; and the Wisdome of Law in His Majesties
ime

time hath made a subdivision of the stab given, where the party stabbed is out of defence, and had not given the first Blowe, from other Manslaughters.

The fourth degree, is that of killing a man in the parties own defence, or by misadventure, which though they be not Felonies, yet nevertheless the Law doth not suffer them to go unpunished; because it doth kindle sparks of a bloody mind in the one, and defence in the other.

And the fifth is, where the Law doth admit Fortification, not by Plea, for a man may not (that sheddeth blood) justify the fact with pleading Non-guilty; the case is found by verdict, being disclosed upon the evidence, as where a man in the Kings high way and peace is assailed to be murdered or robb'd, or when a man defending his house, which is his Castle, against unlawful violence; or when a Sheriff or Minister of Justice, is resisted in the execution of his office; or when the Patient dyeth in the Chyrurgions hands, upon cutting or otherwise, for these cases the Law doth privilege, because of the necessity, and because of the innocency of the intention.

Thus much for the death of man, of which cases you are to enquire, together with the accessories before and after the Fact.

For the second kind which concerns the ho-
 nour and chastnesse of persons and families; you ^{Honesty of Life.}
 are to enquire of the ravishment of Women, of
 the taking of Women out of the possession of
 their Parents or Guardians against their will, or
 marrying, or abusing them, or double marrying, ^{2 Fel. c. 11.}
 where there was not first seven years absence, and
 no notice that the party so absent was alive, and
 other Felonies against the honesty of life.

For the third kind, which concerneth mens
 substance, you shall inquire of Burglaries, Rob-
 beries, Cutting of Purfes, and taking of any
 thing from the person; and generally all other
 stealths, aswell such as are plain as those that are
 disguised, whereof I will by and by speak: But
 first I must require you to use diligence in presen-
 ting specially those purloynings and imbezill-
 ments, which are of plate, vessels, or whatso-
 ever within the Kings house. The Kings House
 is an open place, it ought to be kept safe by
 Law, and not by Lock, and therefore needeth
 the more severity.

Now for coloured or disguised robberies, I <sup>28 E. 1. Ar-
 ticuli super
 Chartast. 2.
 31 E. 6. 4.
 33 H. 6. c. 1.
 21 H. 8. c. 7.</sup>
 will name two or three of them; the Purveyor
 that takes without warrant, two or three of them
 is no better then a Thief, and it is Felony; the
 servant that hath the keeping of His Majesties
 Goods, and goeth away with them, though he
 came to the possession of them lawfully, it is Fe-
 lony.

lony. Of these you shall likewise enquire, principal and accessaries; the voluntary escape of a Felon is also Felony.

The people
not capital.

For the last part, which is of Offences concerning the people not capital, there are many. But I select only such as I think fittest to be remembered unto you, still dividing to give you the better light, they are of three Natures.

1. The first, is matter of force and outrage.
2. The second matter of fraud and deceit.
3. The third, Breach and inobservance of certain wholesome, and politick, Laws, for Government.

Force.

For the first, you shall enquire of Riots and unlawful Assemblies, of forcible entries, and detainers with force; and properly all assaults of striking, drawing weapon or other violence, within the Kings house, and the precincts thereof: for the Kings house, from whence examples of peace should flowe, in the farthest parts of the Kingdome, as the ointment of *Aarons* head to the skirts of his garment, ought to be sacred and inviolate from force and brawls, aswell in respect of reverence to the place, as in respect of danger and greater trouble, and of all example to the whole Kingdome; and therefore in that place all should be full of peace, order, regard, forbearance, and silence.

Besides

Besides open force, there is a kind of force that commeth with an open and armed hand, but disguised, that is, no lesse hateful and hurtful, and that is, abuse and oppression by authority.

And therefore you shall enquire of all Extortions in Officers, and Ministers; as Sheriffs, Bailiffs of hundred, Escheators, Coroners, Constables, Ordinaries, and other; who by colour of Office do pole the people.

For frauds and deceits, I do chiefly commend to your care, the frauds and deceits in that which is the chief means of all just contract and permutation, which is, Weights and Measures, wherein, although God hath pronounced, that a false weight is an abomination, yet the abuse is so common and so general, I mean of Weights, and I speak upon knowledge and late examination, that if one were to build a Church, he should need but false Weights, and not seek them far off, the Bills or Piles of Brasse to make the Bells, and the Weight of Lead to make the Battlements: And herein you are to make special enquiry, whether the Clerk of the Market within the Verge, to whom properly it appertains, have done his duty.

For Nufances and Grievances, I will for the Nufance.
 present only single out one, That you present
 D the

the decayes of High-ways and Bridges ; for where the Majesty of a Kings House draws recourse and acceffe, it is both disgraceful to the King, and also diseaseful to the people, if the ways near about be not fair and good ; wherein it is strange to see the chargeable Pavement and Cawseys in the entrances of Towns abroad beyond the Seas, whereas *London*, the second City, at the least, of *Europe*, in glory, in greatness, and in wealth, cannot be discerned by the fairnesse of the wayes, though a little perhaps by the Broadnesse of them from a Village.

Breach of
Statutes.

For the last part, because I passe these things over briefly, I will make mention to you of three Laws.

1. The one concerning the Kings pleasure.
2. The second, concerning the peoples food.
3. And the third, concerning Wares and Manufactures.

Kings
Pleasure.

You shall therefore enquire of the unlawful taking of Partridges, and Pheasants, or Fowle, the detraction of the Eggs of the said Wild-fowl, the killing of Hares or Deer, and the stealing of Venison, or Hares : for that which is for exercise, and sport, and courtesie, should not be turned to Gluttony and Sale Victual.

You

You shall also enquire whether Bakers, and ^{Food.} Brewers keep their Assize, and whether aswell they, as Butchers, Inn-holders, and Victuallers, do sell that which is wholesome, and at reasonable prices; and whether they do link and combine to raise prices.

Lastly, you shall enquire whether the good ^{Manu fact-} Statute be observed, whereby a man may have ^{ures.} that he thinketh he hath, and not be abused or missserved in that he buyes: I mean, the Statute ^{5 Eliz. c. 4.} that requireth that none use any mannual occupation, but such as have been seven years Apprentice to it, which Law being generally transgressed, makes the people buy in effect Chaff for Corn, for that which is miswrought will miswear.

There be many more things inquireable by you, throughout all the former parts, which it were over-long in particular to recite; you may be supplied either out of your own experience, or out of such Bills and Informations as shall be brought unto you, or upon any question that you shall demand of the Court, which will be ready to give you any further direction, as far as it is fit:

But

(20)

But these which I have gone through
are the principal points of your charge,
which to present, you have taken the
Name of GOD to witnesse; and in the
Name of GOD perform it.

Dixi.

FINIS.

